

NOT FOR PUBLICATION

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ARIZONA**

Kon Bagat,

Petitioner,

v.

Albert Carter, *et al.*,

Respondents.

No. CV-15-01373-PHX-JJT

ORDER

At issue is the Report and Recommendation (“R&R”)(Doc. 11) submitted by United States Magistrate Judge John Z. Boyle recommending that the Petition for Writ of Habeas Corpus pursuant to 28 U.S.C. Section 2241 in this matter (Doc. 1) be denied as moot and the matter be dismissed without prejudice. Petitioner Kon Bagat filed no Objection thereto and the time for doing so has now passed. Respondents Albert Carter and Michael J. Donahue had filed a Notice of Petitioner’s Release and Suggestion of Mootness (Doc. 10) on September 11, 2015, in which they urge the conclusion Judge Boyle now recommends.

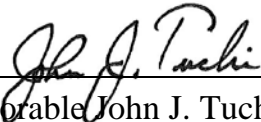
In his Petition, Petitioner sought release from DHS-ICE detention under an order of supervision. On September 4, 2015, ICE released him under an order of supervision. Upon review, the Court concludes that Petitioner has received the relief he sought under his Petition and that the release is unlikely to be revoked absent a change in circumstances. Accordingly, it will follow the recommendation of the R&R and dismiss the petition without prejudice.

1 **IT IS ORDERED** adopting the Report and Recommendation in this matter
2 (Doc. 11);

3 **IT IS FURTHER ORDERED** denying as moot and dismissing without prejudice
4 the Petition (Doc. 1).

5 **IT IS FURTHER ORDERED** that the Clerk shall enter judgment accordingly
6 and close this case.

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8 Dated this 28th day of January, 2016.

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13 Honorable John J. Tuchi
14 United States District Judge
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